

FILED  
for Roanoke  
MAR 14 2011

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

TIMOTHY HENRY TILLER,	)	Civil Action No. 7:11-cv-00112
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u>
	)	
DOC, <u>et al.</u> ,	)	By: Hon. Jackson L. Kiser
Defendants.	)	Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that plaintiff is **GRANTED** leave to proceed in forma pauperis; plaintiff's complaint is **DISMISSED without prejudice** for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and the action is **STRICKEN** from the active docket of the court. Plaintiff may refile his claim at the time of his choice.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the plaintiff.

ENTER: This 14<sup>th</sup> day of March, 2011.

*[Signature of Jackson L. Kiser]*  
Senior United States District Judge